IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 31723 of 2006(B)

PETITIONER:

P.M.MUNEER, P.W.D.CONTRACTOR,
S/O.P.K.MAHIN, RESIDING AT KAMBAR HOUSE,
BENDRADUKKA P.O., KASARAGOD.

BY ADV. SRI.P.PARAMESWARAN NAIR
SMT.SREELATHA PARAMESWARAN NAIR
SRI.SUDEESH KUMAR RAMAKRISHNA
SRI.SUNIL KUMAR A.G

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT,
FISHERIES DEPARTMENT,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

3. THE CHIEF ENGINEER,
HARBOUR ENGINEERING DEPARTMENT,
KAMALESWARAM, MANAKADU P.O.,
THIRUVANANTHAPURAM.

4. THE SUPERINTENDING ENGINEER,
HARBOUR ENGINEERING NORTH CIRCLE,
KOZHIKODE.

BY GOVERNMENT PLEADER SRI.M.R. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.31723/06

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF AGREEMENT EXECUTED BY THE PETITIONER WITH THE 4TH RESPONDENT DATED 16.11.2005.

EXT.P2: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT ON 29.11.05.

EXT.P3: TRUE COPY OF THE LETTER SENT BY THE 4TH RESPONDENT NO.D3/ 2416/2002/SE DATED 07/12/2005.

EXT.P4: TRUE COPY OF THE LETTER NO. D3/2416/2002/SE DATED 23/02/2006 SENT BY THE 4TH RESPONDENT TO THE PETITIONER.

EXT.P5: TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT IN W.P.(C) NO.33242/04 DATED 13.12.2004.

EXT.P6: TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT IN THE CASE OF KAIKKARA CONSTRUCTION COMPANY DATED 02.05.2006.

EXT.P7: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORETHE HONOURABLE MINISTER FOR FISHERIES AND HARBOUT ENGINEERING DEPARTMENT DATED 28.08.2006.

EXT.P8: & P9: TRUE COPY OF THE ORDERS PASSED BY THE GOVERNMENT HIKING THE RATES, IN THE CASES RELATING TO THE WORKS OF THANGASSERY FISHING HARBOUT AND MUNAMBAM FISHING HARBOUT DATED 6.12.1995 AND 24.1.2007.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO. 31723 OF 2006

DATED THIS THE 17th DAY OF JULY, 2007

JUDGMENT

The petitioner was awarded certain works pursuant to tenders invited for the purpose. Subsequently, the cost of petroleum products, materials of construction, labour charges etc. increased. Therefore, the petitioner wanted price escalation. Seeking the same, the petitioner has filed Ext.P7 representation before the Government. For the present, the petitioner would be satisfied with a direction to the 2nd respondent to consider and pass appropriate orders on Ext.P7 expeditiously.

2. I have heard the learned Government pleader also. In the facts and circumstances of the case, I direct the 2nd respondent to consider and pass appropriate orders on Ext.P7 after affording an opportunity of being heard to the petitioner as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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